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retained. On the contrary, by means of People's tribunals, which gave judicial authority to the lower courts, and by strengthening the judicial control organs such as the People's procuratorates, the Communists were able to utilize the old courts and the old judicial personnel for new purposes. This explains in part why judicial reform was delayed until the completion of the several drives in 1951-52.

The judicial reform was primarily a mass campaign. The steps involved included the arousal of the masses to participate in the inspection of prisons and the review of old cases; the use of criticism and self-criticism; and the reorganization of the judicial organs and the reconstruction of judicial authority based upon the new People's court system. During the reform, in the city of Wuhan alone, 6,660 cases were singled out for review.[8]

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To eliminate personnel from the previous regime was the aim of the judicial reform. In the entire region,[9] of the 6,680 court workers in September 1952, some 1,643 (about 24 per cent) had been trained under the Nationalist regime. The percentage was as high as 57 in Hunan, 62 in Hupeh, and 43 in Kwangtung. The percentage was particularly high among employees in the upper courts. Of the sixty-six workers in Kiangsi provincial court, thirty-five trained under the Nationalist regime remained in

8. Report of the movement in Wuhan, Yangtze Daily, Nov. 14, 1952, p. 3.

9. Ibid., September 2, 1952, p. 1; cf. Shih-Liang's reports on the national scene in ibid., Aug. 24, 1952, p. 1, and Sept. 23, 1952, p. 1. English text of the report in Current Background, No. 218, Nov. 5, 1952, pp. 31-34.

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service after the Communists assumed control. No doubt this figure was exaggerated by the Communists to illustrate the degree of influence of old-line workers, who were charged with corruption on various counts; cases involving them were reported to be as high as 80 per cent in Kwangtung.[10] This exaggerated percentage served to justify the Communist judicial reform.

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In regard to the elimination of old judicial practices, the Communists attacked the old system[11] on four counts: (a) that the judiciary was a weapon employed by one class for the suppression of the opposing class; (b) that the exceedingly mechanical procedure of the old courts should be condemned as a bourgeois practice and was deemed unnecessary; (c) that the assumption of a purely legalistic approach to a case that does not reflect the economic and social relationship of the society was contrary to the socialist view of law; and (d) that the use of precedents for adjudication of a case should also be discarded as a bourgeois practice.

To stress the development of a new judicial system, the Communists introduced several innovations:[12] (a) the simplication of jurisdiction, the

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10. Yangtze Daily, Sept. 12, 1952, p. 3.

11. Articles were found in the Yangtze Daily, Feb. 18, 1951, p. 3. and Li Kuang-ts'an, "P'i-p'ing Jen-min Fa-lü Ti Chiu-fa Kuan-tient" ["Criticizing the People's Law from the Old Jurisprudential View point"], Hsüeh-hsi, No. 7, Oct. 1, 1952, pp. 16-19.

12. Report of Chang Chih-i, Yangtze Daily, Sept. 26, 1952, p. 3.

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reduction of appellant cases, and the concentration of judicial authority in the lower courts; (b) the adoption of adjudication committees and the administration of law by collegia; (c) the review and periodic check of non-appellant cases by the higher courts and the practice in the lower courts of seeking instructions from and reporting to the higher courts; (d) the conduct of circuit hearings; (e) the use of People's assessors, a system similar to the Western jury system, which includes representatives from various people's organizations; (f) the use of trials for cases involving disputes among Party members and workers in factories, offices, and enterprises; and (g) such new techniques as oral inquiries and on-the-spot investigations and the establishment of People's reception rooms and mediation committees as means of enlisting mass support as well as for the intimidation of the masses.

3. The Third Stage After judicial reform, further effort was concentrated upon the establishment of the new system and the training of new cadre to fill the vacancies which resulted from large-scale liquidation of the former workers. In 1953, as a result of the second session of the All-China Judicial Conference, a directive was issued calling for the immediate training of 200 to 500 judicial workers and for the drafting of a training plan in each region.[13] Effort was made to strengthen judicial authority at the lower levels and to set up special courts in

13. People's Daily, Sept. 10, 1953, p. 1.